

Attorney Docket No. 60095-0029

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-30 remain in this application. Claims 1, 2, 12, 16, 17, and 27 have been amended.

II. CLAIM REJECTIONS – 35 U.S.C. § 112

The Final Office Action rejects Claims 1, 7-9, 16, 22-24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended Claims 1 and 16 to provide proper antecedent basis for Claims 7-9 and 22-24.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejects Claims 1-4, 7, 8, 13, 16-19, 22, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel, (US Publication 2002/0103846), in view of Hassett, et al., (USPN 6,173,311). The rejection is respectfully traversed.

Claims 1 and 16 have been amended to clarify the invention and appear as follows:

Attorney Docket No. 60095-0029

1. A process for routing packets through a load balancing array of servers across a network in a computer environment, comprising the steps of:

assigning a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array;

wherein request packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address;

wherein said scheduler routes and load balances a request packet from a client to a load balancing server;

wherein said load balancing server routes and load balances said request packet to a back end Web server;

wherein said back end Web server's response packet to said request packet is sent to said load balancing server; and

wherein said load balancing server sends said response packet directly to said client.

16. An apparatus for routing packets through a load balancing array of servers across a network in a computer environment, comprising:

assigning a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array;

wherein request packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address;

Attorney Docket No. 60095-0029

wherein said scheduler routes and load balances a request packet from a client to a load balancing server;

wherein said load balancing server routes and load balances said request packet to a back end Web server;

wherein said back end Web server's response packet to said request packet is sent to said load balancing server; and

wherein said load balancing server sends said response packet directly to said client.

In particular, Zisapel does not teach or disclose a system that assigns a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array as claimed in Claims 1 and 16. Zisapel teaches away from such a system by teaching that a first load balancer can route packets to other load balancers when no servers are available in the first load balancer (page 3, paragraph 36). Zisapel does not contemplate such a system as claimed in Claims 1 and 16. Further, Hassett makes no mention of such a system and therefore does not contemplate such a system.

Additionally, Zisapel does not teach or disclose a system wherein request packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address as claimed in Claims 1 and 16. Zisapel makes no mention of such a system. Hassett also makes no mention of such a system.

Therefore, Zisapel in view of Hassett does not teach or disclose the invention as claimed.

Claims 1 and 16 are in allowable condition. Claims 2-4, 7, 8, 13, and 17-19, 22, 23, 28 are dependent upon independent Claims 1 and 16, respectively. Therefore,

Attorney Docket No. 60095-0029

Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejects Claims 5, 6, 9-12, 14, 15, 20, 21, 24-27, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware and Hasett-PointCast in view of Masters 6,374,300. The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 16, above. Claims 5, 6, 9-12, 14, 15, and 20, 21, 24-27, 29, 30, are dependent upon independent Claims 1 and 16, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

V. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136.

Attorney Docket No. 60095-0029

The Commissioner is authorized to charge any fee that may be due in connection with
this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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on April 15, 2005

By Mary Jacobs